

OFFICE FOR CIVIL RIGHTS
OFFICE OF JUSTICE PROGRAMS
U.S. DEPARTMENT OF JUSTICE

**THE SEVEN-STEP GUIDE
TO THE DESIGN AND DEVELOPMENT
OF AN
EQUAL EMPLOYMENT OPPORTUNITY PLAN**

PLEASE NOTE: Department of Justice Regulations regarding Equal Employment Opportunity Plan content are quite comprehensive. For purposes of an initial screening to determine any potential problems in the agency's workforce, we will focus on the indicators outlined in this guide, *The Seven-Step Guide to the Design and Development of an Equal Employment Opportunity Plan*. If there is a determination based on an initial screening that further review is appropriate, the entire documentation required under Department of Justice regulations contained in 28 §CFR 42.301 et seq. may be requested and reviewed.

THE SEVEN-STEPS: OVERVIEW

- # An introduction stating that the plan is current and reflects the time period of the award.
- # A breakdown of the agency's current workforce by race, sex, national origin, and job category.
- # A breakdown of the available workforce in the community by race, sex, national origin, and job category.
- # A comparison of these breakdowns and identification of underutilization, if any.
- # Specific objectives to address any findings of underutilization.
- # Specific steps which will be taken to achieve the above objectives.
- # A plan to disseminate the EEOP to all employees and to the general public.

Office for Civil Rights Compliance Specialists, who provide technical assistance in preparing Equal Employment Opportunity Plans, may be reached at the Office of Justice Programs, Washington, D.C. 20531, (202) 307-0690.

WHAT IS AN EEOP?

The purpose of an Equal Employment Opportunity Plan (EEOP) is to insure full and equal participation of men and women regardless of race or national origin in the workforce of the recipient agency. A recipient agency is defined as any State or local unit of government or agency thereof, and any private entity, institution, or organization, to which Office of Justice Programs (OJP) financial assistance is extended directly or through such government or private entity. **Recipient agencies that meet all of the following criteria are required to maintain an EEOP on file for review by OJP, if requested (see 28 C.F.R. §42.301 et seq.):**

- (i) have 50 or more employees; **and**
- (ii) received a total of \$25,000 or more in grants or subgrants; **and**
- (iii) have 3 percent or more minorities in service population (however, if less than 3 percent minorities in service population, an EEOP must still be prepared, but must focus on employment practices affecting women only).

Grantees that meet criteria (i) and (iii), and that receive over \$500,000 (or \$1 million during an 18 month period) are required to submit an EEOP with their application to the Office for Civil Rights, Office of Justice Programs for review.¹

An EEOP is a comprehensive document that analyzes the agency's workforce in comparison to its relevant labor market data and all agency employment practices to determine their impact on the basis of race, sex, or national origin. The EEOP includes a written analysis that:

- provides a statistical profile of the internal workforce by race, sex and national origin
- identifies problems in employment practices and procedures
- specifies corrective action
- forms the basis of ongoing evaluation.

¹See Chart on following page, "Civil Rights Requirements of Recipients" for types of entities that are exempt from these requirements and a description of factors affecting requirements to either **maintain** an EEOP on file or **submit** an EEOP to OCR.

CIVIL RIGHTS REQUIREMENTS OF RECIPIENTS

IMPORTANT: ALL RECIPIENTS, REGARDLESS OF THE TYPE OF ENTITY OR THE AMOUNT AWARDED, ARE SUBJECT TO THE PROHIBITIONS AGAINST DISCRIMINATION IN ANY **PROGRAM OR ACTIVITY** AND MAY BE REQUIRED BY OCR, THROUGH SELECTED COMPLIANCE REVIEWS, TO SUBMIT DATA TO ENSURE THEIR SERVICES ARE DELIVERED IN AN EQUITABLE MANNER TO ALL SEGMENTS OF THE SERVICE POPULATION AND THEIR EMPLOYMENT PRACTICES COMPLY WITH EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS. 28 CFR §42.207 AND §42.301 ET SEQ.

Regulatory Definition: **Recipient** means any state or local unit of government or agency thereof, and any private entity, institution or organization to which Federal financial assistance is extended directly or through such government or agency (i.e., subgrantee or contractor of the recipient agency)...28 CFR§ 42.202(n).

RECIPIENT MUST SUBMIT TO OCR

Type of Entity	Assurances	Court Findings of Discrimination	EEOP
I. Educational/Medical Non-profit Institutions/ Indian Tribes	Yes	Yes	No
II. All other Recipients receiving more than \$25,000	Yes	Yes	No
III. For-profit entities and State and Local Gov't. Recipients receiving \$500,000 or more*	Yes	Yes	Yes

* Or over \$1 million in an 18 month period

RECIPIENT FACTORS	EEOP REQUIREMENTS
Less than 50 employees	Certification to OCR; not required to maintain EEOP
Less than 3% minority population	Required to maintain EEOP as relates to women
Receives less than \$25,000	Not required to maintain EEOP
Receives more than \$25,000 (excluding Type I entity)	Certification to OCR; must maintain an EEOP on file for possible OCR audit
Receives \$500,000 or more* (only Type III entity)	Must submit EEOP to OCR for approval



STOP AND NOTE:

TECHNIQUE FOR DETERMINING IF EEOP REQUIREMENTS APPLY TO YOUR AGENCY FIRST, ASK: WHO IS THE NAMED GRANTEE?

After reviewing the chart on the previous page, a grantee agency or grant manager may think that his/her situation is atypical or unique regarding EEOP requirements and, therefore, cannot determine whether EEOP requirements should apply. To analyze such seemingly complex situations, the following is a simple and helpful self-test:

QUESTION: Who is the *named* grantee?

ANSWER: The *named* grantee is the agency which is named by the Office of Justice Programs (OJP) on the award document and whose chief executive official serves as the signatory for receipt of the OJP grant award.

THEREFORE: The *named* grantee is the agency responsible for preparing or submitting the EEOP.

To test your understanding of this simple technique of determining whether, and to what extent, EEOP requirements apply, two typical scenarios appear below:

Scenario 1. The City of Sullivan received a COPS Universal Hiring Program grant for over \$500,000, to be used for the hiring of ten additional police officers to work at the Sullivan Police Department. The grant was applied for and received in the name of the City, although the funds are being used for salaries at the Police Department.

Question 1: Which of the two agencies -- the City or the Police Department -- is required to prepare and submit an EEOP?

APPLY THE SELF-TEST BY ASKING: WHO IS THE *NAMED* GRANTEE?

Answer 1: The City of Sullivan, not the Police Department, should prepare and submit an EEOP that reflects the City's workforce. In this case, the *named* grantee is the City of Sullivan and the City should submit its EEOP if it meets the criteria as described on page 4. However, it is critical that the City's EEOP analyze specifically the Police Department's workforce, in addition to the workforce of other citywide agencies. In other words, a generalized EEOP which combines all of the City's employees into one analysis will NOT meet OCR requirements. It is permissible for the City to submit its citywide plan with a supplement focusing specifically on the Police Department.

Scenario 2. The Sullivan Police Department received a COPS Universal Hiring Program grant for over \$500,000, to be used for the hiring of ten additional police officers to work at the Sullivan Police Department. The grant was applied for and received in the name of the Police Department, and the funds are being used for salaries at the Police Department.

Question 2: Which agency is required to prepare and submit an EEOP?

AGAIN, APPLY THE SELF-TEST BY ASKING: WHO IS THE *NAMED* GRANTEE?

Answer 2: The Sullivan Police Department should prepare and submit an EEOP that reflects that agency's workforce. Here, the *named* grantee is the Sullivan Police Department, which should submit an EEOP if it meets the criteria as described on page 4. However, if the City of Sullivan has already prepared a citywide EEOP, such an EEOP would be permissible to satisfy the Police Department's EEOP requirements if the EEOP contains a separate section or supplement that analyzes specifically and fully the Police Department's workforce

COMPLETING THE EEOP

STEP 1. THE INTRODUCTION

The introduction to the EEOP should contain basic information about the recipient agency as well as an overview of its personnel management and operations. Basic information should include the name, address, and phone number of the grantee; project numbers, names and funding levels; and names, addresses, and phone numbers of project directors. **Most importantly, the introduction should state the agency's policy of equal employment opportunity as well as the effective date and duration of the EEOP (which must reflect the time period of the grant award), and must be signed into effect by an agency official.** The personnel management and operations overview should include a brief summary of the ongoing equal employment opportunity efforts, progress in meeting EEO objectives, and the current status of EEO efforts.

STEP 2. GRANTEE'S WORKFORCE ANALYSIS

The grantee must provide a statistical breakdown of its current workforce for each job category broken down by gender within each racial, color, and national origin group. These statistics should be converted into percentages. Percentages should reflect the portion of people in each job classification of a given race/sex/national origin. In other words, if the grantee has four professionals -- three white males and one Hispanic male -- the chart will display 3 and 75% in the block for white male professionals, 1 and 25% in the block for Hispanic male professionals, and 0 and 0% in all other professional blocks (Attachment A provides a model chart format for statistical

breakdown of current workforce).

NOTE:

FOR POLICE DEPARTMENT GRANTEES: workforce data should consist of a statistical breakdown of the agency's current workforce by race, sex, national origin, and job category (i.e. rank) of sworn and unsworn personnel. Please note that all sworn law enforcement officers should be categorized within the "Protective Services" category, which contains two subgroups: Officials and Patrol Officers. "Officials" should include all law enforcement officers who have progressed beyond the entry-level positions (for example, Sergeants, Lieutenants, Detectives, Chiefs, and the like). "Patrol Officers" should include all entry-level law enforcement officers in your department. As a law enforcement agency, you may not have any entries at all in the larger categories of "Official/Administrator," "Professionals," or "Technicians," unless you have non-sworn employees who fall within these categories. (Attachment B provides a correlation chart translating civilian job categories into personnel job categories in the police department.)

STEP 3. COMMUNITY LABOR STATISTICS

The grantee must provide a similar statistical breakdown of the available community workforce for each job category broken down by gender within each racial, color, and national origin group. These data may be obtained from various sources,² including the local office of the U.S. Department of Labor, Bureau of Labor Statistics in your region. The data should reflect the community which forms the grantee's hiring pool. **These data must be based on the 1990 census statistics.** The format of this breakdown should also follow the structure of the chart figured in Attachment C. As with the grantee's workforce analysis, the community workforce analysis chart should also be converted into percentages. The same method of converting data to percentages should be followed as explained in Step 2.

²Additional sources of community workforce data may be obtained from the U.S. Census Bureau; local, county, and state planning commission; local chamber of commerce; local employment agencies; local social service agencies; city and county planning commissions; state and local institutions of higher education (state universities); and local public libraries.

STEP 4. UTILIZATION ANALYSIS

A. CHARTS: The grantee will compare its workforce with that of the relevant community in order to determine if, and in what job categories, women and/or minorities (cross-classified by gender) are under-represented in the grantee's workforce. **This utilization analysis forms the basis for the plan** and will be obtained by comparing the information presented in Step 2, with that in Step 3. The format should follow the chart figured in Attachment D, but must only be presented in terms of percentages. Figures should be determined by subtracting the percentages obtained in Step 3, from those obtained in Step 2.

In other words, if Hispanic males comprise 25% of the grantee's professional employees, and Hispanic males make up 50% of professionals in the community workforce, 50% would be subtracted from 25%. The resulting figure, -25%, would be placed in the block on the underutilization analysis for Hispanic male professionals. This process should be repeated for all categories.

B. NARRATIVE: The second part of the utilization analysis is narrative. **In this section, the grantee will interpret the utilization analysis, pointing out areas that are of concern** (e.g., "This agency demonstrates an underutilization of Asian American men in the Executive job level, as their representation in the community workforce at that job level is 15% while at our agency it is only 2%").³

³To determine the factors responsible for any underutilization it may be necessary to evaluate the grantee's procedures in regard to recruitment, applications, testing, terminations, disciplinary actions, and promotions. For example, if the grantee's underutilization analysis reflects that blacks or women are under-represented in all job levels, it demonstrates that the grantee is not hiring these individuals in a manner which would reasonably be expected given their representation in the community. In order to determine what steps would best rectify this situation, the grantee should scrutinize its past recruitment efforts and hiring practices. Perhaps women have not been targeted for recruitment, and thus are not applying to the degree that men are. On the other hand, it is possible that women **are** applying to the organization in large numbers, but that they are disproportionately rejected for employment. It may be that the required entry-level examination puts women at a disadvantage, or that a height/weight requirement is screening out female candidates.

STEP 5. OBJECTIVES

The grantee will address the underutilization identified in Step 4 by setting forth an objective to address such underutilization. This objective must be specific and must be based on the results of the underutilization analysis. For example, an objective which states, "it is our ambition to have a workforce that is more representative of the community" is too general. A better type of objective would be one that states, "because African-American women are under-represented in the higher levels of our organization in such jobs as Comptroller and Agency Administrator, it is our objective to increase this representation by evaluating our promotional practices to ensure that African-American women are receiving equal opportunity to advance." Objectives should be reasonably attainable and based on a realistic timetable.

STEP 6. STEPS TO ACHIEVE THE OBJECTIVES

The grantee must then set forth whatever steps it has determined will enable it to meet its objectives. The most effective steps will be those which directly address the reasons for any underutilization of women and minorities. The grantee should thus attempt to pinpoint the factors which put women and/or minorities at a disadvantage **in this particular organization.**⁴

STEP 7. DISSEMINATION

Finally, the grantee will describe its plan to disseminate the EEOP to all personnel and applicants. This dissemination plan shall include the name of the person designated to implement the Equal Employment Opportunity Program in the agency.

⁴Once the grantee has pinpointed the cause(s) of the underutilization, it can present the best steps for addressing any inequities. Specific organizations and publications can be contacted for recruitment, examinations/test can be revised, and requirements that do not pertain to job performance can be eliminated. The grantee may wish to offer classes that will better prepare women and minorities for entry-level and/or promotional examinations. **Tailoring the EEOP to the grantee's particular needs will enhance the likelihood of realizing the objectives presented in Step 5 .**

FORMS TO RETURN⁵

CERTIFICATION

or

EEOP SHORT FORM

Mail to:

U.S. Department of Justice
Office of Justice Programs
Office for Civil Rights
810 Seventh Street, N.W.
Suite 8136
Washington, D.C. 20531

⁵ Please select the appropriate form(s) from the following pages; complete and return them to the Office for Civil Rights.

CERTIFICATION

Grant Title:

Grantee Name:

Address:

Contact Person:

Tel.#:

Grant Number:

Award Amount:

Date and effective duration of EEOP:

Policy Statement:

CERTIFICATION (EEOP ON FILE)

Certification Statement:

I, _____ [executive officer], certify that the _____ [organization] has formulated an Equal Employment Opportunity Plan in accordance with 28 CFR 42.301, et seq., subpart E, that it has been signed into effect by the proper authority and disseminated to all employees, and that it is on file in the Office of _____ [name], _____ [address], _____ [title], for review or audit by officials of the cognizant State planning agency or the Office for Civil Rights, Office of Justice Programs as required by relevant laws and regulations.

[signature] [title]

[date]

=====

CERTIFICATION (NO EEOP REQUIRED)

I HEREBY CERTIFY THAT THE FUNDED ENTITY HAS LESS THAN 50 EMPLOYEES AND THEREFORE IS NOT REQUIRED TO MAINTAIN AN EEOP, PURSUANT TO 29 CFR 42.301, ET SEQ.

[signature] [title]

[date]

OMB Approval No. 1121-0140
Expiration Date: 09/30/2002

Paperwork Reduction Act Notice. Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete and file this certification is 15 minutes per application. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Office of Justice Programs, Office for Civil Rights, 810 7th Street N.W., Washington, D.C. 20531.

EEOP SHORT FORM

(To be used in conjunction with the Seven-Step Guide)

STEP 2: AGENCY'S WORKFORCE -- In the following Utilization Chart, please fill in the workforce statistics for your agency according to the categories indicated.

STEP 3: COMMUNITY LABOR STATISTICS (CLS) -- In the following Utilization Chart, please fill in the available workforce statistics for the community according to the categories indicated.

STEP 4a: UTILIZATION ANALYSIS -- Please subtract the percentages obtained in Step 3 from those obtained in Step 2 and fill in on the following Utilization Chart.

STEP 4b: NARRATIVE UTILIZATION ANALYSIS -- In the space provided below, please analyze the figures obtained for Step 4a -- the Utilization Chart -- by pointing out specific areas of concern.

STEP 5: OBJECTIVES -- In the space provided below, please summarize the objectives your EEOP sets forth to address any underutilization identified in Step 4.

STEP 6: STEPS TO ACHIEVE OBJECTIVES -- In the space provided below, please briefly describe the specific steps you have determined will enable you to meet the objectives presented in Step 5.

STEP 7: DISSEMINATION --In the space provided below, please summarize your plan to disseminate the EEOP.

ATTACHMENT A -- AGENCY'S WORKFORCE (See Step 2)

Job Category		TOTAL	MALE				FEMALE					
			B	W	H	A/PI	AI/AN	B	W	H	A/PI	AI/AN
		# %										
Officials/Administrators												
Professionals												
Technicians												
Protective Services	Officials *											
	Patrol Officers											
Para-Professional												
Office/Clerical												
Skilled Craft												
Service/Maintenance												

* FOR POLICE DEPARTMENT GRANTEES ONLY: First fill out additional breakdown of sworn "officials," below.

Job Category	TOTAL	B	W	H	A/PI	AI/AN	B	W	H	A/PI	AI/AN
	# %										
Chiefs, Deputy Chiefs											
Captains, Inspectors											
Lieutenants											
Sergeants, Detectives											
TOTALS ⁶											

KEY

B - Black
W - White
H - Hispanic

A/PI - Asian or Pacific Islander
AI/AN - American Indian or
Alaskan Native

POLICE DEPT. GRANTEES: See Attachment B for correlation chart translating civilian job categories into personnel job categories in the police department.

⁶ Put these totals in above chart under "Protective Services - Officials."

ATTACHMENT B -- For Law Enforcement (Police/Sheriff) Department Grantees
(Guidance for Steps 2 and 3)

Job Category (Model Charts)	Step 2: Workforce Statistics (Matching Your Agency Personnel to the Job Categories)⁷	Step 3: Community Labor Statistics (Matching Census Data Categories to Charts)
<i>Officials/Administrators</i>	Non-sworn administrators (e.g. personnel director)	Officials/Administrators
<i>Professionals</i>	Non-sworn professionals (e.g. personnel assistant)	Professionals
<i>Technicians</i>	Non-sworn technicians (e.g. weapons/automotive/computer technicians)	Technicians
<i>Protective Services</i> <i>(A) Officials</i>	All sworn officers beyond entry-level (Sergeants, Lieutenants, Captains, etc.)	Protective Services
<i>(B) Patrol Officers</i>	All entry-level sworn officers	Civilian Labor Force 19-35 years of age, with high school diploma or GED Equivalency
<i>Para-Professionals</i>	Non-sworn (e.g. legal or personnel assistants)	Para-Professional
<i>Office/Clerical</i>	Non-sworn office/clerical/administrative assistants	Office/Clerical
<i>Skilled Craft</i>	Non-sworn skilled craft workers (e.g. mechanics)	Skilled Craft
<i>Service Maintenance</i>	Non-sworn service crews	Service Maintenance

⁷ All *sworn* officers must be classified under Protective Services as shown. All other categories contain examples to assist you in classifying your non-sworn personnel, if any.

ATTACHMENT C -- COMMUNITY LABOR STATISTICS (CLS) (See Step 3)

Job Category	TOTAL	MALE					FEMALE				
		B	W	H	A/PI	AI/AN	B	W	H	A/PI	AI/AN
	# %	# %	# %	# %	# %	# %	# %	# %	# %	# %	# %
Officials/Administrators											
Professionals											
Technicians											
Protective Services	Officials ⁸										
	Patrol Officers ⁹ (Civilian Labor Force)										
Para-Professional											
Office/Clerical											
Skilled Craft											
Service/Maintenance											

KEY

B - Black
W - White

A/PI - Asian or Pacific Islander
AI/AN - American Indian or Alaskan Native
H - Hispanic

⁸POLICE DEPARTMENTS, PLEASE NOTE: For "Officials," use CLS # for Protective Services.

⁹POLICE DEPARTMENTS, PLEASE NOTE: For "Patrol Officers," use CLS # for Civilian Labor Force.

ATTACHMENT D -- Utilization Analysis (See Step 4a)

JOB GROUP CATEGORY (CLS = Community Labor Statistics)*		MALE					FEMALE				
		White	Black	Hispanic	Asian	American Indian	White	Black	Hispanic	Asian	American Indian
OFFICIALS/EXECUTIVE Workforce #/% CLS #/% Utilization %											
PROFESSIONALS Workforce #/% CLS #/% Utilization %											
TECHNICIANS Workforce #/% CLS #/% Utilization %											
PROTECTIVE SERVICES	OFFICIALS Workforce #/% CLS #/% Utilization %										
	PATROL OFFICERS Workforce #/% Civ. Labor Force #/% Utilization %										
PARA-PROFESSIONAL Workforce CLS #/% Utilization											
OFFICE/CLERICAL Workforce CLS #/% Utilization											
SKILLED CRAFT Workforce #/% CLS #/% Utilization %											
SVCS/MAINTENANCE Workforce #/% CLS #/% Utilization %											

* 1990 Census Data